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FEDERAL ELECTION
COMMISSION

November 17, 2010

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Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

OFFICE OF GENERAL
COUNSEL

RE: MUR 6422

Dear Ms. Hampton and Mr. Jordon.

In response to the charges brought against Marjorie (Missy) Reilly Smith and me by Elizabeth Kingsley:

Missy Smith announced her candidacy on October 8, at a press conference, and according to a specialist at the FEC there is no regulation violated by announcing a candidacy before filing Forms 1 and 2 with the FEC. When Missy's website went up, it was not paid for by Missy Smith for Congress. The first donations were given through PayPal on October 8 (but did not post until 10/11/01 and were not received into the PayPal account until 10/12/10 when the bank account was confirmed) and other than a \$200 check received earlier, the first check donations were received that same week. When we totaled \$5000 (\$3125 in checks deposited on 10/13 and \$4811 transferred from PayPal on 10/14) we filed our forms with the FEC -- on October 14, 2010 well within the 15 days allowed after receiving or spending \$5000. The first ads were purchased on October 15, for a total of \$3017.50, to start running on October 19. The first payment to the webmaster made by Missy Smith for Congress was mailed on or around October 26, 2010 and the webmaster believes that the disclaimer "Paid for by Missy Smith for Congress" was on the site on or around October 24. The lawn signs and flyers were not paid for or authorized by Missy Smith for Congress; they were an independent expenditure. To the best of Missy's recollection, she was not involved in the "handing out" of the flyers. Finally, there was never any intention (or act) of not having total disclosure.

Therefore, as far as we can tell, Missy Smith for Congress did not violate the Federal Campaign Act of 1971 and thus no action should be taken against Missy Smith for Congress.

If you have any further questions or need any further documentation, you may contact me at _____ or at _____.



Diana Roccogranti
Treasurer
Missy Smith for Congress

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